

REMARKS/ARGUMENTS

In paragraph 1 of the Office Action, the Examiner objected to the drawings. Applicant has amended the drawings as shown and believes that they are now in good form. Applicant has added a reference to the letter B to the arrow as shown. This change does not introduce new matter.

In paragraphs 2-7 of the Office Action, the Examiner rejected claims 2-7, 21, 24, 51-53, and 56 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims as shown and believes that they are now in good form and of sufficient clarity. These amendments do not introduce new matter.

In paragraph 2 of the Office Action, the Examiner objected to the specification. Applicant has amended the specification as shown and believes it is now in good form.

In paragraph 8 of the Office Action, the Examiner rejected claims 1-3, 8, 9, 11-14, 18-20, 25, 27-29, 50-52, 57, 58, and 60-63 under 35 USC §102(b) as being anticipated by Litchfield et al. (GB 1,448,892). The Examiner stated various reasons for the rejection. In view of the claims as now presented and for the reasons discussed below, Applicant believes that these claims are now in good form and not anticipated by Litchfield et al.

Before addressing the Litchfield and other prior art references, Applicant respectfully directs the Examiner's attention to Applicant's description of the related art at page 2, lines 3-13, wherein it states as follows:

In several prior art systems, the window requires a separate latch to latch and lock the window in a closed position. Because it is desired to place the window wiper arm at an approximate center of the rear window, this latch would have to be located "off center." Because of the non-centered location of the window latch, it was not uncommon that the window would not seal properly to the door, thereby resulting in undesirable wind noise during vehicle operation or even water leakage into the interior compartment of the vehicle.

Litchfield et al. discloses an invention relating to vehicle window wipers and is particularly although not exclusively applicable to wipers for openable rear windows of vehicles. The Litchfield et al. device provides a vehicle window wiper comprising a drive shaft having a wiper blade assembly at one end thereof, means to mount the shaft for rotary movement, drive means to the shaft, said coupling being engageable and disengageable by relative movement of the drive means and shaft in the axial direction of the shaft, and means to lock the shaft against rotation in the mounting means automatically on disengagement of the coupling and to release said shaft for rotation on engagement of the coupling.

In Litchfield et al., at column 3, lines 47-61, it states that "when the vehicle rear window is closed as shown in Fig. 1 and secured by latching or locking means (not shown), the teeth 46 of the drive wheel element are normally placed into full driving engagement with the corresponding teeth 35...." Thus, the Litchfield device appears to suggest a separate locking or latching means to secure the window to the door.

One feature of Applicant's invention as further focused in Applicant's independent claims rejected on art is that Applicant's coupler both provides a means for coupling the drive motor to the wiper arm and simultaneously latches the window to the door. This concept and feature of Applicant's invention is not shown by Litchfield et al. or any of the references cited by the Examiner, whether taken alone or in combination. Applicant has amended each of the independent claims rejected on art to clarify in those claims this feature of Applicant's invention, namely that the coupler and latch assembly mechanism facilitates both latching the rear window to the door and coupling the wiper arm to the wiper drive motor. This facilitates eliminating the necessity of a separate latch or locking mechanism as seems to be suggested by the Litchfield et al. reference and the other prior art of record.

For all the foregoing reasons, Applicant respectfully submits that the rejected claims are not anticipated by Litchfield et al.

In paragraph 9 of the Office Action, the Examiner rejected claims 1 and 50 under 35 USC §102(e) as being anticipated by Kilker (U.S. 5,847,519). For the reasons discussed above relative to the rejections on the Litchfield et al. reference, in view of

the claims as now presented, and also for the following reasons, Applicant believes that the claims are not anticipated by Kilker.

Kilker discloses a multi-functional apparatus having a single electromagnetic device to drive a multiple of electrically-actuated functions. The multi-functional apparatus has an armature shaft that selectively and alternatively activates a window wiper assembly and a flexible, elongated drive element such as a cable coupled to opposing ends of the armature shaft. Also, at column 3, line 29-33, Kilker states, "Apparatus 41 includes a central drive and power transmission device 43, a window wiper assembly 45, a torsionally static, longitudinally flexible cable 46, a window release latch or locking linkage 47 and a liftgate lock 49, all of which are mounted upon liftgate 31." Thus, it appears that in the apparatus of Kilker, the motor and coupling means for coupling the wiper to the motor is separate from the lock 47 of Kilker.

In contrast and as mentioned earlier herein relative to the Litchfield et al. reference, Applicant's independent claims 1 and 50 that were rejected have been amended to focus on the feature that the drive latch or coupler simultaneously couples the wiper arm to the drive motor and also retains the window in a locked position, which is in contrast to Kilker which teaches of using a separate lock 47.

For all the foregoing reasons and for the reasons mentioned earlier herein and also in view of the art-rejected independent claims as now presented, Applicant believes that claims 1 and 50 are not anticipated by Kilker.

In paragraph 10 of the Office Action, the Examiner rejected claims 1-3, 8-9, 14, 18, 25, 50-52 and 57-58 under 35 USC §102(b) as being anticipated by GB 365,603. For the reasons mentioned, and in view of the rejected claims as now presented, Application respectfully traverses this rejection.

GB 365,603 discloses an invention that relates to a windscreen wiper used on motor vehicles and has its primary object to provide to provide a construction that allows the wiper arm to be mounted on the moveable windscreen and the actuating motor on a fixed part adjacent to the screen.

Applicant can find no teaching in this reference which even suggests the use of a "lock" as suggested by the Examiner. Applicant notes that the reference does suggest that when a windscreen is closed, the driving mechanism is in active engagement with the wiper arm, but when the screen is open, the arm is separated

from the driving mechanism. Applicant can find no teaching that suggests that the coupling provides a latch or means for retaining the window in a closed position and that couples the wiper arm to the drive motor. Thus, Applicant respectfully submits that the reference fails to teach of any latch/lock mechanism, and therefore, cannot anticipate the claims that have been rejected over this reference because those claims require, directly or indirectly, a coupler that latches the window and couple the wiper arm to the drive motor.

For all the foregoing reasons and for the reasons mentioned earlier herein and in view of the claims as now presented, Applicant believes that the rejected claims are not anticipated by GB 365,603.

In paragraph 11 of the Office Action, the Examiner rejected claims 1, 2, 5, 6, 15, 16, 50, 51, 54, 55 and 59 under 35 USC §102(e) as being anticipated by Tilli et al. (U.S. 5,907,885). For the reasons mentioned above, in view of the rejected independent claims as now presented, and also for the following reasons, Applicant respectfully submits that the rejected claims are not anticipated by Tilli et al.

Tilli et al. discloses a multi-functional apparatus for use in an automotive vehicle employing multiple tracks has a housing, a rotatable member located in the housing, an electromagnetic device and multiple tracks. The electromagnetic device may be an electric motor which operates in a unidirectional manner to oscillate a window wiper assembly. The electric motor and rotatable member then reverse rotational direction to move the wiper assembly to a park position, allowing the actuation of an intermittent motion mechanism. It does not appear that the wiper arm of Tilli et al. is mounted in the window.

In contrast, Applicant's rejected independent claims recite that the wiper arm is mounted in the window. Note that the wiper arm of the Tilli et al. device is not mounted in the window, but rather, appears to be permanently coupled to the drive motor. Thus, the Tilli et al. reference fails to teach of a drive coupler, coupling means or latch mechanism that both latches the window to the door and also couples the drive motor to the wiper arm when the window is in a closed position as recited, for example, in rejected claim 1. For all the foregoing reasons and in view of the claims as now presented, Applicant respectfully submits that the rejected claims are not anticipated by Tilli et al.

In paragraph 12 of the Office Action, the Examiner rejected claim 17 under 35 USC §103(a) as being unpatentable under Tilli et al. (U.S. 5,907,885) in view of Papazian et al. (U.S. 5,559,410). For the reasons mentioned above relative to the prior rejections and particularly the rejection on Tilli et al. and further in view of the claim 15 and claim 1 as now presented, Applicant respectfully submits that these claims are not unpatentable over the combination of references suggested by the Examiner.

Papazian et al. discloses a process and a device for powering an electric motor (M) intended particularly to drive a windshield wiper arm of a motor vehicle, of the type comprising a control unit (2) connected to control elements (3) under user control and to position sensors (5, 6, 7) of the windshield wiper arm, and comprising means (9) of control of the supply to the motor controlled by the control unit, characterized in that it comprises means (2a) for switching off the supply to the motor at the end of a first determined time (TETA.sub.1), whose inhibition is provided by the position sensors (5, 6, 7) so as to switch off the supply to the motor (M) during a second determined time (TETA.sub.2) if these switching off means have not been inhibited by activation of a position sensor by the arm.

As mentioned earlier herein, the Tilli et al. does not appear to show a wiper arm mounted in a window, which is required by the claim 1 as now presented. There is no teaching in either Tilli et al. or Papazian et al. that suggests that these devices be modified with such modification. Applicant can find no teaching in these references that suggests that they should be combined as proposed and furthermore, that even if combined, the proposed combination would still fail to teach of Applicant's claim 1 as now presented. In view of the foregoing and for the reasons mentioned earlier herein relative to the rejection of Tilli et al., Applicant respectfully submits that this claim 17 is not unpatentable over Tilli et al. in view of Papazian et al.

In Paragraph 13 of the Office Action, the Examiner stated that Claims 4, 7, 21, 24, 53 and 58 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 4, 7, 21, 24, 53 and 58 have been rewritten as shown and believes they are not in condition for allowance and such allowance is respectfully requested.

In Paragraph 14 of the Office Action, the Examiner stated that Claims 22, 23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claims 22, 23 and 26 as shown and believes they are now in condition for allowance and such allowance is respectfully requested.

Applicant is filing concurrently under separate cover a request for a three-month extension of time.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicant hereby provides a general request for any extension of time, which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees, which have not been previously paid for by, check and which are required during the prosecution of this application to **Deposit Account No. 50-1287**. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).


Applicant invite the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.

Applicants respectfully request an interview with the Examiner if the Examiner does not believe this amendment places the application in condition for allowance.

Reconsideration and favorable action are respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

MRJ/ck/mam
2310 Far Hills Building
Dayton, Ohio 45419-1575
Telephone 937: 298-2811
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